

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 26, 2008

DIVISION ONE

B200707 People (Not for Publication)
v.
Ronald Chatters, Jr.

The judgment of conviction is affirmed. The clerk of the superior court is directed to prepare an amended abstract of judgment crediting Chatters with 170 days of presentence conduct credits and to forward a certified copy of the amended abstract to the Department of Corrections.

Rothschild, J.

We concur: Mallano, P.J.
Vogel (Miriam A.), J.

B196606 1538 Cahuenga Partners, LLC (Not for Publication)
v.
Turmeko Properties, Inc. et al.

The order is affirmed. Respondent is awarded its costs on appeal.

Rothschild, J.

We concur: Mallano, P.J.
Vogel (Miriam A.), J.

DIVISION TWO

B197443 People (Not for Publication)
v.
Nash

The judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.
 Doi Todd, J.

B202411 Stone Street Capital, LLC. (Not for Publication)
v.
California State Lottery Commission

The judgment is affirmed. Appellant shall pay the costs of appeal.

Chavez, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

B198060 People (Not for Publication)
v.
Alvarado

The sentence is vacated and the matter is remanded for the limited purpose of allowing the trial court to exercise discretion under *Romero* and for resentencing thereafter. In all other respects, the judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

DIVISION TWO (continued)

B199431 Flaum, et al. (Not for Publication)

V.

ASN Calabastas I LLC et al.

We affirm the orders sustaining the demurrers to the cause of action for breach of contract and striking the class allegations in the second amended complaint. We reverse the order sustaining the demurrers to the cause of action for violation of section 17200. The parties will bear their respective costs on appeal.

Chavez, J.

We concur: Doi Todd, Acting P.J.

Ashmann-Gerst, J.

B196171 Vargas (Not for Publication)

V.

Latham Properties LLC

The trial court's order granting a new trial is vacated, and the subsequent judgment is reversed. The trial court is directed to enter judgment consistent with its first order. Each party shall bear its own costs of appeal.

Chavez, J.

We concur: Boren, P.J.

Doi Todd, J.

DIVISION TWO (continued)

B201892 People (Not for Publication)

V.

Whitlow

The judgment is modified to strike the jury finding on the truth of the section 12022.53, subdivisions (b), (c), (d), and (e)(1), firearm enhancements with respect to count 2, the murder of Robert Gonzalez, and to vacate the terms imposed for these enhancements, including the firearm enhancements previously imposed and stayed. The judgment is also modified to impose an additional \$20 court security fee, so that the section 1465.8 court security fee imposed is \$40. The matter is remanded for the trial court to calculate and award defendant presentence credit for his actual time served. In all other respects, as modified, the judgment is affirmed.

The superior court is to cause its clerk to amend its August 20, 2007, minute order and the abstract of judgment to reflect the modifications to the judgment: (1) the striking of the findings of firearm enhancement pursuant to section 12022.53 for the murder in count 2 and vacating the terms imposed for these firearm enhancements; and (2) adding an additional section 1465.8 court security fee so that a \$40 court security fee is imposed. Additionally, the superior court is to cause its clerk to correct its August 20, 2007, minute order and the abstract of judgment (3) to strike the provision that the trial court imposed a \$200 parole revocation restitution fine, and (4) to properly reflect the oral proceedings of judgment in that the trial court imposed the terms for counts 1 and 2 concurrently. The amended abstract of judgment shall be sent to the California Department of Corrections and Rehabilitation.

Chavez, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION THREE

B194163 People (Not for Publication)

V.

Kyu Sik Kim and Jun H. Kim

The abstract of judgment of defendant father is to be corrected by the clerk of the superior court to reflect a concurrent six-month term for the crime of assault, and presentence credit of 47 days, consisting of 41 actual days and 6 days of conduct credit. The abstract of judgment of defendant son is to be corrected by the clerk of the superior court to reflect three concurrent six-month terms (for two convictions of assault and one conviction of misdemeanor false imprisonment), and presentence credit of 47 days, consisting of 41 actual days and 6 days of conduct credit. The clerk of the superior court is directed to forward the corrected abstracts of judgment to the Department of Corrections. In all other respects, the judgments are affirmed.

Croskey, J.

We concur: Klein, P.J.

Aldrich, J.

B196404 Certified Environments, Inc., et al. (Not for Publication)

V.

National Cooperative Bank

The judgment is modified to include a dismissal of the first count in the cross-complaint for declaratory relief. The judgment as so modified is reversed. Certified and Paulay are entitled to recover their costs on appeal.

Croskey, J.

We concur: Klein, P.J.

Aldrich, J.

DIVISION THREE (continued)

B201957 Fink (Not for Publication)

V.

Moreno, Becerra & Guerrero, Inc., et al.

The post-judgment order from which plaintiff has appealed is affirmed. Costs on appeal to defendants.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B203436 L.A., Co.Dept. of Children & Family Svcs (Not for Publication)

V.

Jose P.

The order is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B200286 Hilton (Not for Publication)

V.

Bressler, et al.

The judgment is affirmed. The Bresslers are to recover their costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

June 26, 2008 (Continued)

DIVISION THREE (continued)

B192747 People (Not for Publication)
v.
Efrain Castillo

The judgment is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting that the trial court sentenced appellant to prison for 45 years to life, consisting of three consecutive terms of 15 years to life as to each of counts 1, 10 and 12, and reflecting the trial court's concurrent sentences as to the remaining counts.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B195905 People (Not for Publication)
v.
Gustavo McKenzie

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (continued)

B199629 People (Not for Publication)
v.
Christopher Johnson

The judgment is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B197411 People (Not for Publication)
v.
Ramon Arceo

The judgment is modified by striking the Penal Code section 186.22, subdivision (b)(1)(C), enhancements pertaining to counts 1 and 2, by ordering as to each of counts 1 and 2, that appellant, pursuant to Penal Code section 186.22, subdivision (b)(5), serve a minimum of 15 years before he is eligible for parole, by striking the trial court's previous award of precommitment credit, and by awarding appellant 353 days of precommitment credit, consisting of 307 days of custody credit and, pursuant to Penal Code section 2933.1, subdivision (a), 46 days of conduct credit, and, as modified, the judgment is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting the above modifications.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION THREE (continued)

B202768 State Farm Fire and Casualty Co. et al., (Certified for Publication)
v.
Superior Court, Los Angeles County
(Joshua Wright, r.p.i.)

The order to show cause is discharged. The petition for writ of mandate is denied. Petitioner is to bear the costs of this writ proceeding.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B191484 Lawson, et al. (Certified for Partial Publication)
v.
Lawrence I. Schwartz, as Trustee, etc.,

The orders appealed from are affirmed. Respondent shall recover costs of appeal.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION SIX

B204837 People v. Clucas

(Not for Publication)

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

[illegible]

The judgment is affirmed. Respondents to recover costs on appeal.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B200420 People (Not for Publication)
v.
Huerta

The judgment is modified to reduce the count 6 gun use enhancement to a four-year term. The trial court shall correct the abstract of judgment and forward the amended abstract to the Department of Corrections. The judgment is otherwise affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

June 26, 2008 (Continued)

DIVISION SIX (continued)

[illegible]

The judgment is affirmed. Costs are awarded to respondent.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B204977 People
v.
Burgan

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed 1/2/08) dismissed.

B194359 People
v.
Shellhouse

Filed order granting motion to abate appeal. Appeal (notice of appeal filed 10/10/06) abated.

DIVISION EIGHT

Court reconvened at 9:12 a.m.

Present: Cooper, P.J., Rubin, J., Flier, J., Bigelow, J. and Emma Jean Amos, Deputy Clerk.

DIVISION EIGHT (continued)

Each of the following:

B197493 People v. Brown
B198332 People v. Rosales
B203660 DCFS v. Christopher R.
B200412 People v. Hall
B202846 DCFS v. Tracey C.
B202837 DCFS v. Edward F.
B198951 People v. Orozco
B197233 Hwang et al. v. Kim
B197006 People v. William H.

Argument waived, cause submitted.

B196968 People
 v.
 Rivera

Appearances:

Jeffrey Lewis for appellant and by Peggy Z. Huang for respondent.
Argument waived, cause submitted.

B196813 Lu
 v.
 McCurley

Merits:

Argued by Steven Zelig for appellant and by David Krause-Leemon for respondent. Cause submitted.

B206951 I.S.
 v.
 Superior Court, Los Angeles County
 (Los Angeles County, D.C.S., r.p.i.)

Merits:

Argued by Eliot L. Grossman for petitioner and by Tracey F. Dodds, Deputy County Counsel for real party in interest. Cause submitted.

DIVISION EIGHT (continued)

B194901 Lawrence et al.,
 v.
 D'Amico et al.,

Merits:

Argued by Richard M. Chaskin for appellants and by Ellen R. Serbin for respondents. Cause submitted.

B195804 St. Julian
 v.
 Jewish Family Service Of Los Angeles

Merits:

Argued by Kayretha H. Willis for appellant and by Lewis Schlesinger for respondent. Cause submitted.

Bigelow, J. left the bench.

B195450 John Doe 17
 v.
 Salesian Society

Merits:

Argued by Christina Imre for appellant and by Daniel Smith for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Cooper, P.J., Rubin, J., Flier, J. and Connie Hon, Deputy Clerk.

DIVISION EIGHT (continued)

B198986 Chin et al.
 v.
 Numbar

Appearances:
Robert Mobasseri for respondent and no appearance for appellant.
Argument waived, cause submitted.

B202678 People
 v.
 Leanthony S.

Merits:
Argued by Courtney Selan for appellant and by David Zarmi, Deputy
Attorney General for respondent. Cause submitted.

B200968 Ellis
 v.
 Jones, Jr., et al.

Merits:
Argued by T. Giovanni Arbucci for appellant and by Eric R. Maier for
respondents. Cause submitted.

Court recessed.

Court reconvened at 2:00 p.m.

Present: Cooper, P.J., Bigelow, J., Chavez, J. (Assigned) and Connie Hon, Deputy Clerk.

June 26, 2008 (Continued)

DIVISION EIGHT (continued)

B203726 Alch et al.,
v.
Superior Court, Los Angeles County
(Time Warner Entertainment Co. et al., r.p.i.)

Merits:

Argued by Daniel Wolf for petitioner; by Seth E. Pierce and Scott Gizer for real parties in interest; by John H. Lavelly, Jr. for Wolf Non-Parties and by Katherine Forster for Amici. Cause submitted.

Each of the following:

B196359 Novshatian v. Home Remodeling and Design et al.
B197997 In re Jorge Recinos on habeas corpus.
B195749 Auchterlonie et al. v. Wild Oats Markets, Inc., et al.
B202457 Anthony v. City of Los Angeles
B196486 People v. Vargas

Matter is continued to July 29, 2008.

Court adjourned.